

FACULTY SENATE MINUTES #69

John Jay College of Criminal Justice

December 13, 1991

Time: 9:30 PM

Room 630T

Present (31): Michael Blitz, Haig Bohigian, James Bowen, Dorothy Bracey, David Brandt, Orlanda Brugnola, Lily Christ, James Cohen, Luis Cuevas, Migdalia DeJesus-Torres de Garcia, Janice Dunham, Elisabeth Gitter, Lou Guinta, Suzanne Iasenza, Karen Kaplowitz, Sondra Leftoff, Tom Litwack, Nyamazao Maliwa, Robert McCrie, Jill Norgren, John Pittman, Mary Regan, Olga Scarpetta, Candice Skrapec, Timothy Stevens, Chuck Stickney, Jerome Storch, Antoinette Trembinska, Martin Wallenstein, Agnes Wieschenberg, Marcia Yarmus

Absent (9): Arvind Agarwal, Philip Bonifacio, Robert Fox, Rubie Malone, Lydia Rosner, Douglas Salane, Edward Shaughnessy, Howard Umansky, Carl Wiedemann

AGENDA

1. Announcements from the Chair
2. Approval of Minutes #68 of the November 20 meeting
3. Proposal from the Executive Committee: cancel the February 6 Senate meeting & instead schedule a meeting on January 31.
4. Proposal from the Faculty Senate Executive Committee for choosing the three additional faculty representatives to the College Council for the spring 1992 semester only
5. Discussion of November 21 College Council meeting and of items on the December 16 College Council agenda
6. Report on the CUNY equal protection lawsuit. Resolution proposed by the CUNY Legal Action Committee
7. Proposals from the Senate's Committee on Student Concerns on recognizing faculty advisors of clubs: Senator Charles Stickney
8. Report from the Faculty Senate's Fiscal Advisory Committee on the Senate's charge to study and report on the sources, allocation, and spending of non-tax levy monies at John Jay: Senators James Cohen, Suzanne Iasenza, and Tom Litwack
9. Report from Faculty Senate/Council of Chairs Ad Hoc Committee on the Associate Degree Program: Senator Dorothy Bracey
10. Report from the Faculty Senate's Evaluation Committee on the Senate's charge to develop an instrument for the faculty to evaluate John Jay administrators: Senator Robert McCrie
11. Proposed Honorary Degree Candidates: Part II. Professor Virginia Morris, Chair, Committee on Honorary Degrees
12. Report on efforts to increase the number of in-service students and to strengthen John Jay's relationship with criminal justice agencies: President Kaplowitz
13. Resolution from the Standards Committee
14. President Gerald W. Lynch
15. Reports from committees
16. New business

[Ed. In order to facilitate the business of the Faculty Senate, the agenda schedule was not followed precisely. However, all reports and actions will be recorded in agenda order.]

1. Announcements from the Chair

President Kaplowita told the Senate that Gay Lynch, the President's wife, had just had surgery and that President Lynch, who had been scheduled to meet with the Senate, would not be attending today's Senate meeting. The Senate conveyed its best wishes to Gay Lynch by means of a card signed by the members and which was delivered to the hospital that day. The Senate agreed that if Provost Wilson were available, he be invited to meet with the Senate later in the day.

She also reported that Steven Young, who had been the counsel for the College, has recently been hired by the President of City College to help resolve the controversy about Professor Len Jeffries.

2. Approval of Minutes #68 of the November 20 meeting

By a motion duly made and carried, Minutes #68 of the November 20 meeting were approved.

3. Proposal from the Executive Committee: Cancel the February 6 Senate meeting and schedule instead a meeting on Friday, January 31.

The Executive Committee is proposing this calendar change because of the many issues that will be facing the Senate at the beginning of the spring semester. Those items were reviewed. Senators acknowledged the necessity of the Friday meeting. Senator Litwack suggested retaining the February 6 meeting in case it is also needed; he pointed out that we can always cancel it later if we do not need it. The amended motion, to schedule a Senate meeting on Friday, January 31, carried unanimously.

4. Proposal from the Faculty Senate Executive Committee for choosing the three additional faculty representatives to the College Council for the spring 1992 semester only:

Resolved, That the Faculty Senate shall solicit nominations, shall present a slate to the Faculty Senate, and the Faculty Senate shall elect the three new College Council/Faculty Senate representatives by secret ballot.

At a previous meeting, the Faculty Senate had recommended that the temporary method for choosing the three College Council representatives who are to serve for the remainder of this academic year be by election by the Senate from among the at-large members of the Senate. However, the Executive Committee has checked the Senate Constitution and has determined that the Senate Constitution prevents us from electing the new members from the Senate unless we amend the

Constitution. Amendment is by a two-thirds affirmative vote at two consecutive regular Senate meetings. The provision that would have to be amended appears in Article 11: "No member of the faculty shall serve simultaneously as an at-large member of the Faculty Senate and as a member of the College Council." Senator Wallenstein recommended amending the Senate Constitution.

Discussion followed concerning the original thinking behind the Senate provision. Vice President Dunham explained that the provision was included in the Constitution to prevent departments from simply electing those of its members who had been elected to the Senate in the at-large election, which would effectively eliminate at-large representation. She said that because departments often have difficulty convincing members to serve on the College Council this was anticipated as a likely occurrence. Furthermore, many faculty want to serve on the Senate but do not wish to serve on the College Council and this provision of the Constitution enables them to do so by making the two positions mutually exclusive.

Senator Litwack pointed out that if we amend the Constitution we would be articulating a permanent solution when we are actually resolving a temporary, one-time only problem. Senator Scarpetta suggested giving one of the temporary seats to an adjunct. Senator Bohigian asked when we need to have the election. President Kaplowitz said that it is anticipated that the Board of Trustees will vote on the proposed Charter amendments at its January meeting and that the HEOs will have their five members elected in time for the February 13 meeting of the College Council and, therefore, the faculty need to do so by that date as well. Senator Bohigian suggested eliminating the phrase "shall present a slate to the Faculty Senate." The amendment was accepted. Senator Trembinska asked who would be conducting the election. It was explained that the Senate's Executive Committee would receive nominations and that the Senate's Election Committee would conduct the election. Vice President Dunham urged Senators to solicit candidates.

The amended motion was called: **"Resolved, That the Faculty Senate shall solicit nominations and shall elect the three new College Council/Faculty Senate representatives by secret ballot to fill the remainder of the 1991-1992 academic year to fill the three new College Council seats designated for the faculty and that this shall be done prior to the College Council meeting that immediately follows the Board of Trustees' approval of the amendments of the College Council."** The motion passed by unanimous vote.

5. Discussion of November 21 College Council meeting and of the December 16 College Council agenda items

On November 21, the second reading of the proposed Charter amendment giving HEOs five seats on the College Council was approved by unanimous vote. The second reading of the proposed Charter amendment to remove the limitation on terms of office was defeated. The administration abstained, the students voted against it, and some faculty were opposed. The majority of faculty supported the proposed change.

Senator Blitz reported that although the student members based their opposition to the proposal on their belief that it is necessary to have rotation of all members, after the November 21 meeting he ascertained from the students that they had not understood that the statutory seats given to the administration precludes rotation of administrators.

A Senator said that she is very troubled by the fact that the students do not open up the election of their seats on the College Council to all students as required by the Charter. She wondered why we do not object to this violation of the Charter. Senator Litwack agreed that the students' elections are illegal. President Kaplowitz said that the students' Judicial Board (a subcommittee of the Student Council) and SERC (Student Elections Review Committee) are to resolve this issue, according to Vice President Witherspoon. She offered to speak to VP Witherspoon and to Professor Maria Volpe (the faculty advisor of both student groups) and report back to the Senate on the progress, if any, toward ending this Charter violation.

The Senate was alerted that on the agenda of the December 16 College Council meeting is a first reading of the proposed Charter amendment providing for ex officio members. Senator Norgren asked for the Executive Committee's intent behind discussion of the previous and upcoming College Council meetings, saying that the Senate has other, pressing, business of its own. Senator Bohigian seconded Senator Norgren's position.

6. Report on the CUNY equal protection lawsuit. Resolution proposed by the CUNY Lesal Action Committee:

Whereas, The Center for Constitutional Rights has agreed to represent plaintiffs in a lawsuit to redress grievances of unequal funding between CUNY and SUNY, therefore be it Resolved, That the John Jay Faculty Senate endorses the principles of the lawsuit currently being prepared by the Center for Constitutional Rights that (1) FTE funding for the senior colleges and graduate programs of CUNY be raised to equal those of SUNY and (2) that there be an equal treatment of the associate degree programs at John Jay College of Criminal Justice and at New York City Technical College with comparable SUNY programs.

The Senate was directed to materials [Attachment B]. President Kaplowitz gave the background. Last spring, Professor Sheldon Weinbaum, distinguished professor of engineering at CCNY, became familiar with the Mississippi lawsuit that was scheduled to be heard by the Supreme Court (oral arguments were presented this fall) arguing that the historically black public institutions of higher education in Mississippi are underfunded by approximately 12 percent when compared to the historically white public institutions of higher education. Subsequently, a group of CUNY faculty began studying the funding disparity between CUNY and SUNY and has determined that CUNY is funded \$80 million less each year than is SUNY (which is somewhat more than the differential in Mississippi). Professor James Cohen is

heading the budget study by CUNY faculty. The Center for Constitutional Rights (CCR) has offered to represent student and faculty plaintiffs from the senior CUNY colleges in a lawsuit that addresses both the inequity of funding as an equal protection issue (since CUNY has a large population of students of color as compared to SUNY and most CUNY students cannot afford to attend SUNY because of the additional room and board expenses) and it will also be a suit that addresses the illegal cutoff of funding for the associate degree programs at John Jay and at New York City Technical College. When the state assumed responsibility for the funding of CUNY's senior colleges, it assumed the funding for all programs in those senior colleges. CCR sees this as a major lawsuit with national implications and has committed itself to a quarter of million dollars in legal costs to represent plaintiffs.

The suit will not be a class action suit as had originally been anticipated. Rather it will be a suit with named plaintiffs who are representative of the students and faculty harmed by the inequity in funding of the CUNY senior colleges. One of the anticipated plaintiffs will be Professor DeJesus-Torres de Garcia, who has expressed her willingness to be a plaintiff. Each senior CUNY college is being asked to consider the proposed resolution now before the Senate. This is for political rather than for legal purposes. The suit will proceed whether the resolution is approved. But there will be more extensive media coverage and other kinds of support if the faculties of the senior colleges express their support. The resolution calls for support of the principles behind the suit, which is expected to be filed at the end of January, or soon thereafter. The complaint is in the process of being written.

The faculty at Brooklyn, City, and NYCTC have passed the resolution, or a version of it, and it is being considered by the Law School faculty in a week or two. President Kaplowitz pointed out that the resolution purposely does not endorse the lawsuit, but rather the principles behind it. The leadership of the PSC has said it will cooperate and provide assistance. Chancellor Reynolds has directed Vice Chancellor for Budget and Finance Rothbard and Vice Chancellor for Legal Affairs Diaz to provide information and data for the suit.

Senator Norgren asked how the suit plans to address the fact that New York State had never had de jure discrimination. It was noted that although the suit will not claim that discrimination is intentional, it will show that such is the result because funding is so inequitable and because CUNY students for the most part cannot afford to attend SUNY. Senator Bohigian said there are dangers of an equal protection lawsuit because it opens the possibility of CUNY being consolidated with SUNY. He also said that CUNY's average professional salaries are higher than SUNY's. He noted that as the PSC chapter chair he could not support this motion.

President Kaplowitz noted that the lawsuit is part of a larger political action, the purpose of which is to educate the legislature and the public and to make it politically difficult for further cuts to be made in the CUNY budget.

Senator Wallenstein said that although he believes in

protecting our funding, he feels that greater attention being brought to our salary differences with SUNY would be detrimental in the end. Senator Guinta asked how this suit would affect us at John Jay. President Kaplowitz responded that the suit would directly address the deletion of funding of the associate degree programs at John Jay and at NYCTC. She noted that the SUNY senior colleges that have associate degree programs have had their associate degree programs fully funded by the State during the past two years while the funding for John Jay's and NYCTC's associate degree programs was completely ended by the State, resulting in the Board of Trustees' declaration of fiscal exigency. Senator Brandt replied that nothing could prevent the cutting off of that funding if the State wanted to stop the funding. He said that he needs more information in order to decide whether to support the issue.

Senator Cohen said that what he is hearing is that Senators are concerned with associating themselves with a suit that they think might get CUNY faculty in trouble. He pointed out that the legislators know about the funding disparities and they know about the salary discrepancies. He also pointed out that SUNY faculty, who individually negotiate their salaries with their deans and therefore can earn far more than any CUNY faculty, live in areas where the cost of living is dramatically lower than that of CUNY faculty. He also pointed out that what Governor Cuomo did by cutting John Jay's and NYCTC's funding was illegal. He said that he does not feel that it is wise to not support the suit because of fear. Senator Guinta said that he is concerned about the future of this College.

Senator Bohigian said that the State legislation providing that CUNY's senior colleges would be funded by the State contained language specifically excluding the funding of John Jay's and NYCTC's associate degrees programs. President Kaplowitz and Senator Cohen disputed this assertion as incorrect. President Kaplowitz said that when the two Staten Island Colleges were merged, the enabling legislation provided explicitly that the associate degree funding of the College of Staten Island (the merged senior CUNY college) would be provided by New York City. The other senior CUNY colleges have been funded by the State and all their programs have been funded fully by the State since the State takeover. Indeed, President Kaplowitz said that when she and Professor Robert Crozier met with Dr. Polishook and other members of the PSC leadership during the summer about the John Jay crisis, there was discussion about the possibility of a lawsuit against the State to not only ensure future funding of the associate degree program but to reimburse the City for the monies it had allocated. However, no suit has been filed to date.

Senator Norgren moved to table the discussion until the disputed legislative documents about State funding could be made available to the Senate. Senator Litwack said that even if we have copies of the legislation we probably would not agree on an interpretation of them and that this, in fact, is what a judge is being asked to do through this lawsuit.

Senator Bracey asked whether a brief had yet been prepared. The reply was that the complaint is being written and a first draft is expected to be ready in approximately a

month. Senator Norgren said she did not see how the Senate could be asked to support a lawsuit or even the principles behind a lawsuit without seeing the complaint. She said that once the complaint is ready, the Senate could read it and then vote to support it and if it does vote to support it the Senate could authorize Senator DeJesus-Torres de Garcia to be a plaintiff. She said that there is no guarantee that the principles we are being presented with in the resolution will be the actual basis of the lawsuit.

Senator Litwack urged the Senate to support the resolution and to support the suit since the suit is going to be filed anyway and since the suit will undoubtedly attack the issue on every angle. He said that if the suit proves to not be based on the principles stated in the resolution, the Senate can take appropriate action through a second resolution at that time. Senator Litwack said that he does not see how we can oppose the suit purely on principle given its implications for John Jay's student body which is comprised largely of students of color.

Senator DeJesus-Torres de Garcia seconded Senator Litwack's recommendation. She noted her own plan to participate in the lawsuit, and she noted that whether or not the Faculty Senate decides to support the suit, she is going to be involved in the suit, and will be a plaintiff, if chosen. Senator Blitz noted that as an Executive Committee member, he wanted to put this resolution forward in solidarity with other CUNY units and leave the legal haggling to a later stage. Senator DeJesus-Torres de Garcia reminded the Senate of the Melani sexual discrimination case against CUNY and the difficulty of recruiting faculty for to participate because of faculty fears that the suit would have negative repercussions on the very women it was designed to help by eliminating disparities in salaries, etc. between men and women at CUNY. She reminded the Senate that the Melani case was successful.

Senator Wallenstein proposed dropping the "Whereas ..." clause and the references to the suit so that the resolution address only the principles behind the suit. President Kaplowitz accepted the amendment. Senator Litwack proposed using the phrase "FTE-based funding" in delineating the first principle and also substituting the word "funding" for "treatment" in the second principle. The amendments were accepted. The question was called on the motion: "Resolved, That the John Jay Faculty Senate endorses the following principles: (1) that FTE-based funding for the senior colleges and graduate programs of CUNY be raised to equal those of SUNY; and (2) that there be an equal funding of the associate degree programs at John Jay College of Criminal Justice and at New York City Technical College with comparable SUNY programs." Senator Bohigian strongly supported the resolution as amended. The question was called. The resolution passed by unanimous vote.

7. Proposals from the Senate's Committee on Student Concerns on recognizing faculty advisors of clubs: Senator Charles Stickney

Senator Stickney reminded the Senate that Student

Council President Francis Ngadi had asked the Senate in September to develop a way to recognize and honor faculty advisors of student clubs. Subsequently the Senate charged the Senate's Student Concerns Committee with developing a proposal for the Senate's consideration. Senator Stickney noted that there are currently 36 student clubs and he drew the Senate's attention to his committee's report. The main proposals are that the Senate (1) write a letter thanking the advisor and that this letter could be placed by the advisor in his or her personnel file; (2) issue a proclamation with the signatures of the Senate leadership; (3) hold a reception; (4) hold an orientation for the advisors -- Dean Hank Smit has already agreed to do so; (5) suggest to the presidents of the student clubs that they write personalized letters to their advisors that could be placed in their advisor's personnel files.

President Kaplowitz asked Senator Stickney what the obligations and responsibilities of faculty advisors are, if any. Senator Stickney distributed a photocopy of page 8 of the "Student Activities Handbook," prepared by Dean Smit and published by John Jay's Office of Student Activities and campus Life, that is given to all club presidents and Student Council members [Attachment C]. The faculty advisor, as stated on page 8, must "supervise all club events (e.g. running events, large lectures, trips)" and must also "sign a statement attesting to the accuracy of the minutes of the club's meeting." The third obligation is to "serve in a consultant capacity."

Senator Bohigian asked about the insistence that a club have a faculty advisor and Senator Stickney replied that a club cannot receive funding or office space unless it has a faculty advisor. Senator Brugnola wondered about the obligation being placed on advisors. Senator Cuevas urged the Senate to consider the various aspects of the advisor's role. Senator Stickney said that his Committee's charge was to propose ways to acknowledge and honor advisors.

Senator Leftoff voiced concern over the lack of compensation for such activity since College service is no longer being considered by the College Personnel committee in promotions. In response to the response by Senators to this statement, President Kaplowitz suggested that the criteria for tenure and promotion be a future Senate agenda item and suggested that the faculty's at-large PCB members, two of whom are on the Senate, could report at a future Senate meeting about the wide-spread faculty belief that service is no longer being recognized by the PCB. Senator Bohigian noted that any changes in promotion are supposed to be brought before the College Council and that the Senate should encourage such consideration.

Returning to the proposals by the Student Concerns Committee, President Kaplowitz said that she is concerned that a letter or a proclamation issued by the Senate will imply two things: first, that the faculty member fulfilled the responsibilities and this assertion would require the Senate to somehow verify the level of participation by the faculty member; and second, and more importantly, it would imply that the Senate agrees that a faculty member should be responsible for such activities as verifying the accuracy of the minutes of a club's meetings and attending all club

events. She questioned whether current faculty advisors know that this is expected of them and whether they do attend all club meetings and events and whether they should be required to do so.

She said that if faculty are being required to verify the accuracy of minutes, they can only do so by attending all meetings. She said that this requirement might place the faculty member in a position of potential liability especially if decisions are made at a club meeting that the faculty advisor was unable to attend and that are not reflected in the minutes, or if the minutes report decisions or plans that are of questionable wisdom or legality. Senator Wallenstein seconded the concern with the actual monitoring of the advisor's support and participation and its linkage with the Senate's support and recognition.

Senator Gitter recommended that the Sonata honor advisors through a reception. Senator Scarpetta suggested amending the proposal to also honor those who serve as substitute advisors. Various suggestions were made in terms of funding and possible co-sponsorship. Senator DeJesus-Torres de Garcia noted that in the past, President Lynch used to hold a reception for advisors at which they received certificates. There was a consensus that the Senate should be involved so as to give recognition to faculty by the Faculty Senate. Senator Wallenstein suggested that Senate support for a reception should not be seen as a substitute for recognition in the promotion process and said it is important to have something for the faculty personnel file for consideration in promotion.

President Kaplowitz made the following motion: that on behalf of the Senate, she will confer with Provost Wilson and with VP Roger Witherspoon about the following issues and will report back at the next Senate meeting: a) the possibility of joint sponsorship by the Senate with either VP Witherspoon or Provost Wilson (or both) for a reception to honor faculty advisors so that the tradition of recognizing faculty advisors be continued in this way; b) obtaining further information about any other obligations required of faculty advisors (such as documents that might require their signature); c) the reasons for the obligation and responsibilities required of faculty advisors at John Jay and how this is handled at other CUNY colleges; d) information about the potential liability of faculty advisors, and indemnification, if any. The motion was seconded and passed by unanimous vote.

Senator Norgren, an at-large member of the P&B, asked to return briefly to the issue raised during the prior discussion having to do with criteria for promotion. She noted that last spring Professor Nanda came to the Faculty Senate to report that there is a committee (a subcommittee of the P&B) addressing such issues as promotion. Senator Norgren said that the topic is difficult to discuss because of the confidentiality issues involved. Her own understanding of the importance of service is that there is always a discussion at the P&B of the balance of service, teaching, and scholarship, and that the need for a balance of all three is essential for promotion. Senator Brandt said that scholarship and teaching are mentioned by the Board, but that service is not. President Kaplowitz noted that Professor

Nanda's committee has focused on procedures rather than on criteria and that Professor Nanda had made that distinction, commenting that she had hoped that her committee would look at criteria but that others had not agreed. President Kaplowitz suggested that this issue be placed on the agenda of the Senate's next meeting and that President Lynch and Provost Wilson be invited to attend and be asked to address this issue since there is widespread concern among the faculty that standards and criteria have changed without discussions by the faculty at the Senate or at the College Council or at department meetings and without any announcements about this (perceived) change. Senator Norgren asked specifically what the issues involved were. Many Senators said that the word throughout the College and directly from many chairs to their faculty is that service no longer counts at the College and that only publishing counts. Faculty are being told that if they have published a book they will get promoted to full professor even without service and that anything short of a book means the promotion is virtually doomed. Junior faculty are being advised to spend their time on research and not on committees or performing other College service.

Senator Guinta noted that the recent published Carnegie Foundation report by Ernest Boyer concludes that teaching should be given greater emphasis and greater recognition and rewards on the College level. Senator Guinta recommended that copies of this report be obtained for faculty review. President Kaplowitz noted that the report, "Scholarship Reconsidered: Priorities of the Professoriate," was published a year ago. [The report which is 80 pages and also contains 42 tables surveying faculty opinion about teaching, research, publishing, etc., is available for \$8 from the Princeton University Press.] She invited Senators to look at her copy if they wish. Vice President Dunham said she would put a copy of the report on Reserve in the Library.

8. Report from the Faculty Senate's Fiscal Advisory Committee on the Senate's charge to study and report on the sources, allocation, and spending of non-tax levy monies at John Jay: Senators James Cohen, Suzanne Iasenza, Tom Litwack

Senator Cohen expressed his thanks to budget director Robert Sermier, budget officer Angela Martin, grants director Jacob Marini, Dean Richard Saulnier, and Senator Jill Norgren for the help they provided his Committee in preparing today's report.

Senator Cohen explained that tax levy monies are all the monies that go to state government through taxes and tuition and that are returned to us through appropriations. How tax levy money is spent is clear and unambiguous. Non-tax levy money is money that comes from non-tax sources and from non-tuition sources. This money is handled in many different ways with their own reporting requirements and administration limitations. In order to discover how non-tax levy money is spent at the College, the committee worked back from tax levy funds to non-tax levy money. He referred to a set of tables which he distributed [Attachment D]. Table 2 shows that at John Jay, for 1990, there was \$8,024,000 in non-tax levy money. What the table also shows is that there has been

almost an 150% increase (from \$3,302,000) since 1986. One caveat is that these figures are inflated. For 1989-90 the components are inflated in the Gifts and Grants category and the Research Foundation category; on the other hand, the category "Auxiliary" is fully accounted for, and "Income Fund Reimbursable (IFR)" is an accounting category. The College receives some funds from the Research Foundation in recognition of our receipt of grants that are banked there; some of these are also reported in Income Fund Reimbursables. It is possible that the Research Foundation reported amount is about double what we actually received. "Gifts and Grants" is a very mixed bag of accounts in the College that have no clear requirements and no single unified administration structure, such as scholarship dollars, bequests, money from space rentals, departmental accounts, etc.

Senator Litwack asked if there is a way to determine the net amount in that category, and Senator Cohen said the information is difficult to obtain because it is treated as proprietary information, which only the President or the director of individual Gifts and Grants accounts may release. Senator Norgren asked if the Gifts and Grants monies are in interest-bearing accounts and who gets the interest. Senator Cohen said they are and that the account involved receives the interest. Senator Litwack noted that the real question in Gifts and Grants involves the actual net available in those accounts.

Senator Cohen discussed the Research Foundation and said that the figures presented are the maximum and that the only issue is how much less money is actually there. Vice President Dunham noted that there should not be an unfair implication here that all the Gifts and Grants funds are directly under President Lynch's control, which they are not. Senator Bohigian noted that the real figures here to focus on are the trend figures.

To explain Research Foundation funds, Senator Cohen suggested considering a hypothetical grant of \$49,000. A faculty member might receive \$7,000 for release time from a Course, which actually costs the College only \$3,000, thus resulting in the college receiving \$4,000 in additional funds. There are also various overhead amounts attached to grants. The indirect or overhead costs are those that return to the College. The allocation of those monies is governed by a John Jay rule which allots the funds in the following way: one-third to the department or the Center employing the person who received the grant; one third to the Office of the Provost, and one-third to the Office of the President. That amount was about \$38,000 in 1990 and it builds up over the years. This is money the allocation of which the Senate might want to monitor.

Senator Iasenza reported on the Auxiliary Funds [Attachment D]. Under this category \$121,941 was collected in 1990-91. The sources of this money are: \$93,564 from the Bookstore (76.7%); \$18,000 from the Cafeteria (14.8%); \$10,377 from Video Games (8.5%). Revenue is determined by various formulae. Between 10% and 20% (approximately \$20,000) goes to the Student Association Fund which supports student services, student activities, and student government. Between 80% and 90% covers expenses that cannot be paid with tax levied funds such as food and beverages for receptions,

gifts, awards, flowers, charitable donations, and food at registration. University Bylaws require an Auxiliary Enterprises Board with eleven members: the President: VP for Administration; VP for Student Development: three faculty; five students. This fund is strictly accounted for, and it would be fairly easy to verify how it was actually spent. Senator Trembinska pointed out that a slate of faculty members is elected by the College Council and that the President then selects the actual faculty members from that group.

Senator Norgren commented about the percentage of revenue derived from book prices. Senator Brandt noted the problems with book prices, especially those of used books. He pointed to the inherent conflict of interest in having the College be the arbiter as to whether the bookstore's prices are fair: the more expensive the books, the more revenue the bookstore takes in, the larger amount of non-tax levy monies collected by the College administration. Senator Leftoff questioned the morality of taking money from those most needy for the use of those least needy. Senator Litwack cautioned about the impact of lowering book prices on Federal reimbursement levels. In reply, Senator Scarpetta noted that many students do not qualify for financial aid. President Kaplowitz suggested that these issues be referred to the faculty members on the Auxiliary Enterprises Board and asked Senator Iasenza to do so and report back to the Senate.

Senator Iasenza wondered which faculty members are on the Auxiliary Enterprises Board this year. No Senators present had ever been members of that body. Senator Iasenza said she would ascertain who this year's members are and she was also asked to determine whether they had ever been called to meetings and whether reports have been issued. It was noted that after the first student protest in 1989, the student leaders asked for regular line-item reports of the expenditure of auxiliary fund monies and were promised them but that faculty have not received them.

Senator Litwack discussed the proportion of non-tax levy monies ("soft monies") that go into the academic budget. He noted a resolution had been approved by the College Budget Committee (the P&B) and approved by President Lynch on June 7, 1990: "Beginning now, at least 50% of the net income of the Criminal Justice Center, the Office of Special Programs, and other training and research programs of the College, should go to the academic budget to be dispersed by the Provost after appropriate consultation. All indirect costs that return to the College from grants should be divided according to the previous agreement: one-third to the Office of the President, one-third to the Office of the Provost, and one-third to the Department or Center that brought in the grant."

Senator Litwack noted that Provost Sexter had given half of his one-third allotment to the Office of Sponsored Programs, for the purpose of stimulating further grant activity, but he said he is not privy to how others spent their one-third allocations.

Turning to the subject of the available soft money brought to the College by the Criminal Justice Center, the Fire Science Institute, and the Office of Special Programs,

Senator Litwack informed the Senate that the sum of such available funds for the 1990-1991 fiscal year was \$191,226 and that according to the 1990 resolution of the Budget Committee, fifty percent of those funds should have gone to the Office of the Provost [see Attachment D].

Senator Litwack added, however, that in order to generate this \$191,226 in available funds, it was necessary for the College to spend close to \$500,000 of tax levy funds in personnel costs (and a small amount in OTPS --Other Than Personnel Services). Senator Litwack added that while the specific figures have changed during the years, this has been the general pattern.

Senator Storch asked how much of these funds are spent on non-tax levy employees. Senator Litwack noted that some people are paid under contract or from the total money generated by a Center. He noted that some Centers use their tax levy money more efficiently and earn more money; he said, however, that whether or not a Center makes a profit should not be viewed as an absolute indication of a Center's value. He pointed out that the Centers often perform very important public and educational services related to the mission of the College and that very possibly these services should be offered by the College even if they operate at a fiscal loss.

Senator Norgren noted that historically the Criminal Justice Center has not obtained sufficient grant income to cover its own expenses. Senator Guinta asked how these figures had been determined. Senator Litwack explained that they were calculated from figures provided by Mr. Sermier. Senator Bohigian noted the difficulty of dealing with such figures. He said that Centers are important to the College's role, mission, and credibility and reminded the Senate of their potential value to the College. Senator Brandt also seconded the point about the Centers' value, but noted that the problem is with the way some monies are being handled, and said there seems to be a lack of oversight as to how they are actually spent or used.

Senator Skrapec questioned the overlap between the Criminal Justice Center and the Office of Special Programs, both of which conduct training. Senator Litwack noted that in the recent past, other committees had recommended that all training be consolidated into one Center and all research into another Center to avoid duplication of expenses.

Senator Litwack also suggested that as long as tax levy funds are being used to generate money, that at least until the soft monies returned to the College equal the tax levy expenditures being required to generate those soft money returns, a higher percentage of the soft money returns than the 50 percent currently called for by the 1990 resolution should go into the academic budget. Senator Litwack noted that one possible recommendation the Senate could make is that the share allocated to the academic budget be increased from 50% to 80% unless the President can show compelling reasons why the additional monies are needed in other areas.

Senator Cuevas asked who makes the decision to use the monies in what ways and whether we should make suggestions as to how those monies should be spent. Senator Stickney wondered if we suggested that the money be allocated away

from the administration that the administration might lose its enthusiasm for generating the money through grant activity.

President Kaplowitz questioned the Senate on how it wishes to precede. We could entertain motions now OR we could ask the Fiscal Advisory Committee to propose recommendations for later consideration by the Senate. It was agreed that the Senate does not want to let the Committee's work to pass without action by the Senate.

Senator Brandt asked whether it is appropriate to ask for a precise accounting of how such funds are spent. Senator Norgren said that we certainly have the right to ask about anything generated from tax levy money and from individual grants. Senator Litwack pointed out that all non-tax levy monies are public funds since such money is generated by an institution supported by tax-levy monies, and that the President had absolutely no right to keep any of these expenditures secret. Senator Norgren warned that this is necessary to help screen the College from criticism from the outside. She also noted the importance of having information in our hands before the next Senate meeting that will consider these issues. Senator Wallenstein said that this is one of the most complex issues the Senate has ever dealt with and that we might need considerable time to deal with it. Senator Brandt asked whether anyone had ever audited these funds in detail. Vice President Dunham replied that it is her understanding that it is not done in this detail.

The Committee was thanked for its report and was asked to prepare recommendations for the next Senate meeting.

9. Proposed Honorary Degree Candidates: Part II. Professor Virginia Morris, Chair, Committee on Honorary Degrees

Professor Morris reported that the candidates approved by the Senate in November have been approved by President Lynch and that their names have been forwarded to the Board of Trustees. We do not know whether the candidates are available on the morning of June 1, since they cannot be offered the honorary degree until the Board gives its approval. In the meantime, the Committee on Honorary Degrees is proposing additional candidates. If the any in the first group of candidates are not available today's candidates, if approved, will be offered degrees. If all those approved last month are available, anyone approved today would be offered a degree the following year.

After discussing the qualifications of those recommended by the Committee on Honorary Degrees, the Senate approved two candidates. Each received in excess of the requisite 75% affirmative vote cast by secret ballot:

Clyde Collins Snow, forensic anthropologist
Nina Totenberg, legal correspondent

10. Report from the Faculty Senate's Evaluation Committee on the Senate's charge to develop an instrument for the faculty to evaluate John Jay administrators: Senator Robert McCrie

Senator McCrie noted traditional faculty concerns about administrators' performance. In the 1970s concern began to arise about the need for evaluation of administrators by faculty. The AAUP has called for such evaluations. SUNY/ Buffalo has evaluated its administrators as has several other colleges. Senator McCrie reported that his Committee has focused on fine-tuning a questionnaire that was first developed by the Evaluation Committee more than a year ago and is now presenting it for Senate consideration. He distributed copies of the draft version and pointed out that the instrument asks for evaluation of administrative functions and offices rather than of individuals. The questionnaire has been sent to all the offices that would be evaluated through this instrument so that the office heads could express concerns and make suggestions. Taking all these responses into consideration, the current instrument was developed. He thanked the current and past members of the committee for all their efforts.

Additional changes are being proposed by the Committee, such as amending the questionnaire to include "don't know/not applicable" categories and adding a question concerning the advisement process. Senator Cuevas suggested making a distinction between the advisement program and the advising which is done by the Counseling Department.

Senator McCrie suggested that, after revision, the questionnaire be distributed next semester under conditions ensuring anonymity and that subsequently a method for tabulating the answers would be developed.

Senator Blitz voiced concern about the methodology of the instrument which he said could result in confusing any potential criticism or praise between the department head and those who might simply work in the office.

Senator Cohen complimented the Committee's efforts, but voiced a problem with the range of services listed for each office, saying that listing specific services might bias the answers involved.

Senator Bohigian noted problems with the questionnaire's clarity and made suggestions for extending the details of the questionnaire by separating the variables. Senator McCrie replied that the problem with increasing the length of the document is that it might affect the response rate, noting the questionnaire's necessary limitations.

Senator Litwack asked whether the purpose of the instrument is that provide for faculty evaluation of the administrators. If so, he thought that for top administrators the questionnaire is inadequate since our relation with them is highly personal and individualized. Senator Norgren wondered what the Senate had actually asked the Committee to do, noting that she felt that any problems with detail or directness perhaps reflected the Senate's own shyness or reticence. She noted that the comment sections would get lost in coding, especially those that were

critically important to the proper functioning of the College.

President Kaplowitz said she is confused about the rejection of the instrument used at Buffalo, the outcome of which had been presented to her as highly successful. Senator Bohigian noted that administrators have certain rights regarding evaluation and that those rights had also conditioned the Committee's decisions.

Senator Gitter felt the questionnaire is good, but that we still need to find a way to tell administrators how to do a better job. Senator Stickney noted that the student evaluation form provides a method for using comments by simply reproducing them and sending them to the faculty involved and that the same could be done for administrators. President Kaplowitz noted that she had served on the Senate's Evaluation Committee the year T Building was opened and that the Committee surveyed faculty opinion about the new building and summarized all the written comments and quoted some and listed the number of similar comments made about each topic.

Senator Litwack urged the Senate to either table this issue or to move on it. Senator McCrie noted that for two years the Committee had worked under clear instructions to develop an instrument to evaluate administrative offices, not officers.

A motion was made charging the Committee to incorporate Senate advice on the questionnaire, and report at the next soonest meeting, at which time the Senate will also consider the issue of whether to evaluate individual administrators. The motion carried by unanimous vote.

11. Report from Faculty Senate/Council of Chairs Ad Hoc Committee on the Associate Degree Program: Senator Dorothy Bracey

Senator Bracey gave a preliminary report which will be followed by a formal, written, report at the January 31 meeting. The Committee members are Senators Bracey (chair), Bowen, Cuevas, and Gitter, all representing the Senate, and Professors Lutzker, Moran, and Zlotnick, representing the Council of Chairs.

Senator Bracey reported that it was extremely difficult finding information on the topic. Those who are admitted as associate and those admitted as bachelor degree students are distinct but sometimes overlapping populations, based on their admission status. The study included three groups: those who were only eligible to be admitted as associate degree students; those who chose to be admitted as associate degree students but who could have been bachelor students; and those who could have been bachelor students but failed to submit all their paperwork in a timely fashion. One of the reasons it was so difficult to get the data is that, for all practical purposes, once students are admitted as associate degree students at John Jay they are merged into the general freshman class without distinguishing between them and baccalaureate students. Students do not necessarily know under what status they were admitted. Part of this is due to

the way they fill out the CUNY admission application. Furthermore, John Jay's acceptance letter to student applicants makes no distinction.

Senator Bracey said that in many ways, then, there is no real associate degree program here, and in fact John Jay confers only 25 to 35 associate degrees each year. She said that all the numbers are preliminary at this point but if the idea is to have an associate degree program in which enrolled students have a real chance of and support for success, then we do not have that. That is a real failure on our part toward some of our most vulnerable students.

President Kaplowitz asked Senator Bracey to comment on the decision by President Lynch to have 850 of the 1800 associate degree students transferred to the baccalaureate program on the grounds that they are eligible for such transfer: the eligibility (as reported in the "Announcements from the Chair") is completion of 12 credits with a 2.0 GPA, or in-service status (because of completion of academy studies), or SEEK status (because SEEK students are baccalaureate students by definition). She said that a letter has been already sent to such students telling them that unless they object in writing, they will be transferred to the bachelor's program. This decision is in response to fear that the associate degree program may not be funded by the State again this year, even though Chancellor Reynolds has made this funding a top priority. President Kaplowitz said that when she asked Dean McHugh about the discrepancy between CUNY's criteria for transfer and John Jay's, Dean McHugh explained that John Jay has always had these criteria for students who apply from the community colleges because of John Jay's unique programs and majors and that it is unfair to not make our own associate degree students eligible when community college students are.

Senator Bracey noted that the standards governing who is eligible for transfer are surprisingly low at John Jay. When she called the central CUNY admissions office concerning the community college standards, she learned that students must pass all three proficiency tests to transfer to a senior college. At the College of Staten Island, the criteria for a student to move from CSI's associate degree program to its baccalaureate program involve not only passing all three proficiency tests but a sliding scale of the GPA. [If a student has completed 0-12 credits, a high school average of 80 or higher and at least a CPA of 3.0 is required: if 13-24 credits, a GPA of at least 3.0: 25-39 credits, a GPA of 2.5: 40 or more credits, a GPA of at least 2.0.]

Asked about the other 850 students, President Kaplowitz said a letter is being sent to them urging that they work hard to qualify as soon as possible for transfer to the bachelor program.

Senator Stickney noted the disparity between what Dean McHugh has always said about the success rate of associate students and this committee's findings. Senator Gitter said that Dean McHugh is also surprised by the discrepancy. She noted that several years ago, she and Professor Crozier and Dean McHugh conducted a cohort study that did indicate no differences in success rate. Senator Bracey noted the difficulty in charting the success rates of various students.

Benator Cohen asked whether data exist concerning the students' socio-economic status. Senator Bracey said the problem is that records are not kept on associate degree students. What really happen8 is that the associate degree program status disappears and data about those students are subsumed into other groups. Senator Iasenza noted that she was on a committee a number of years ago that had done a study and that social and economic reasons were most frequently cited as reasons for dropouts. Senator Gitter noted that associate degree students were consistently the least prepared of all those admitted.

Benator Bracey said that the Committee would present its written report to the Senate and to the Chairs, its two parent bodies, and that these bodies will decide what recommendations, if any, to make.

12. Report on efforts to increase the number of in-service students and to strengthen John Jay's relationship with the criminal justice agencies: President Kaplowitz

Because of the lateness of the hour, President Kaplowitz deferred her presentation. She did, however, draw the Senators attention to data on this subject that appear in the "Announcement from the Chair" [Attachment A].

14. President Gerald W. Lynch

Because of Gay Lynch's recent operation, President Lynch had asked to be excused from today's Senate meeting. Earlier that day, Provost Wilson had said he would be pleased to meet with the Senate in President Lynch's stead. Because of the lateness of the hour, Provost Wilson was no longer available to meet with the Senate. It was agreed that he would be invited to the Senate at the next earliest opportunity.

15. Reports from committees

Senator Stickney provided the Senate with "Notes" on the Town Meeting of December 3 [Attachment E]

The meeting was adjourned at 5:00 PM.

Respectfully submitted,

Timothy Stevens
Recording Secretary

ATTACHMENT A

Announcements from the Chair

November 21 College Council meeting

At the November 21 meeting of the College Council, ballots were distributed for election of the two students on the College P&B Committee. The slate contained the names of Francis Ngadi and Ronald Quarterimon.

The Council also approved the ballot of students selected by the Student Council to serve on College Council committees.

The second reading of a Charter revision giving HEOs five seats on the College Council passed by unanimous vote. The amendment is a restructuring of the College Council, providing a 56-member body, with 28 faculty, 15 students, 6 administrators, 5 HEOs, one alumni representative, and a non-instructional staff representative. The allocation of the 28 faculty representatives is as follows: each academic department shall have one seat and the additional seats shall be allocated by any method duly determined by the Faculty Senate. The ex officio membership was included in the document that was approved but subsequent to the Council meeting, there was an indication by members of the administration that the ex officio proposal should be voted on at the subsequent Council meeting.

A proposed Charter amendment removing limitation of terms of office for service on both the College Council and on College Council committees was defeated. The vote was 12-12-0. To pass, a Charter amendment must have an affirmative vote of at least 75 percent of those Council members present and voting. All but a few faculty members supported this proposed Charter amendment, arguing that departments should have the right to elect the persons best suited for representing their department on the College Council and on Council committees. The students opposed the proposal arguing that rotation ensures a vigorous body and also arguing that having novice faculty members on the Council and on committees provides an equalizer to novice student members. The students also said that they would have been more sympathetic to the proposal and might well have supported it had the proposal been forward by a representative of one of the small departments. The administration did not speak against the proposal but did not vote for its passage.

The name of the Department of Counseling and Student Life was changed to the Division of Student Development. The academic department within the Division was renamed the Counseling and Communication Skills Department.

Two changes in the Graduate Bulletin proposed by the Committee on Graduate Studies were approved.

A proposed Charter amendment put forth by the Faculty Senate to revise the structure of the Council's Executive Committee was presented to the Council. Upon a motion to table until the next meeting by Mr. Al Higgins, the motion was tabled. Mr. Higgins explained that the HEOs should be involved in deciding this change.

A motion to require the Council's Executive Committee to provide action minutes was passed in an amended form. The action minutes would not include the actual votes taken, nor the identity of the maker of motions. Instead, the minutes would consist of attendance information and a summary of actions taken.

Library Dedication held on December 4, 1991

The John Jay Library was dedicated and was named the Lloyd George Sealy Library at a ceremony at the College on December 4. The event included tours of the Library, demonstration of the Library's electronic technology, and exhibits of unique holdings. This was followed by a ceremony in the Theater of the new building at which Dean George Best served as the master of ceremonies. The speakers were President Gerald W. Lynch; Student Council President Francis Ngadi; Chief Librarian Marilyn Lutzker; Professor Bruce Pierce who read a letter from former chair of the Law and Police Science Department Leo Loughrey; William Bracey, former Chief of Patrol of the NYPD; Henry DeGeneste, vice president director of Prudential Securities and the chair of the Friends of the Lloyd George Sealy Library, a group of business people who are dedicated to raising \$250,000 by 1994; and Estelle Sealy, widow of Professor Sealy. Also on the stage were the members of the Friends of the Library! whose honorary chair is Mayor David N. Dinkins. A biographical essay, "Lloyd George Sealy: An Appreciation," written by Professor Gerald Markowitz, (TSP/History) was distributed to all who attended.

Eligible associate degree students being transferred to baccalaureate program

President Lynch has directed the appropriate administrators to transfer approximately 850 students eligible for admittance into the college's baccalaureate programs. These include those who have completed at least 12 credits with a GPA of 2.0 or above, SEEK students, and in-service students, because the requirements for admittance policy into the police academy is more rigorous than the admission requirement into the baccalaureate program. Those who do not wish to be transferred will have to so state in writing by a set date. The additional 850 students not eligible will be sent a letter encouraging them to accrue the necessary credits and GPA; most of these students are freshmen who have not yet accumulated any credits or part-time freshmen. This plan is in response to two years of non-funding by the State of the associate degree program for John Jay and NYCTC. Mayor Dinkins has written President Lynch saying that this year's funding of \$19 million for the associate degree programs at the two colleges will not be repeated.

Board appoints Vice Chancellor for Budget and Finance

Richard Rothbard was named Vice Chancellor for Budget and Finance by the Board of Trustees at an executive session meeting on November 25 following the Board's regular meeting. Mr. Rothbard had been Acting Vice Chancellor.

Retirees met on December 3

A group of faculty and staff retirees held its first meeting on December 3. The meeting was organized by Professor Emerita Eileen Rowland (Library). Invited to address the group were: Professor Karen Kaplowitz, on behalf of the Faculty Senate, who invited retirees to consider being mentors, to consider attending or presenting Better Teaching Seminars, and to let her know if they wish to be on the mailing list for Faculty Senate minutes. Mr. Al Higgins spoke on behalf of the Alumni Association, Dr. Judith Bronfman, on behalf of her office which is providing the group with administrative support, and Professor Emeritus Lawrence Kaplan (Economics), on behalf of the Professional Staff Congress.

VP Witherspoon writes letter about Better Teaching Seminar

Vice President Roger Witherspoon has written a letter about the Better Teaching Seminar on disruptive classroom behavior and about his attitude toward this subject. Both Professor Kaplowitz and VP Witherspoon agreed that the letter should be sent to the faculty and to other interested parties. It is being mailed now. A copy is attached [Attachment AA].

November 25 Board of Trustees meeting

At its regular meeting on November 25, Chancellor Reynolds reported that an interim report on the College Preparatory Initiative (CPI) has been sent to the Trustees. This report addresses such important issues as GED students, transfer students, etc. The faculties of each College will be consulted and will be asked to discuss the CPI before the Board of Trustees is asked in February or March to vote to formally adopt CPI for the University.

Vice Chancellor Joyce Brown, who directed the committee that issued the interim report, said that any student who graduated high school or received a GED prior to 1993 will be exempted from CPI. The faculty of each college will have to decide how students are to fulfill the required courses if they have not taken them in high school.

Trustee Gladys Carrion announced that the Committee on Student Affairs is developing guidelines on disciplinary procedures and that the open hearing on proposed guidelines is at the Board on December 11 from 5-8 PM.

Chancellor Reynolds reported that earlier that afternoon she had been informed that the State is cutting the budget for CUNY's senior colleges by an additional \$13.2 million. To demonstrate the magnitude of the cut she noted that the entire adjunct budget for the senior colleges is only \$11 million. She said that 6,000 course sections will have to be cut in the spring 1992 semester if the money is not restored. In answer to a question by Trustees Howard, chair of the Board's committee on fiscal affairs, she said that she received no special instructions about John Jay or NYCTC.

CUNY equal protection lawsuit update

Six members of the Legal Action Steering Committee met with the leadership of the Professional Staff Congress on November 25 at the PSC main office: Stanley Aronowitz (Graduate Center), Victor Goode (CUNY Law School), Ramona Hernandez (LaGCC), Karen Kaplowitz (JJ), Jim Pearlstein (BMCC), and Sheldon Weinbaum (CCNY). The PSC officers who attended the meeting were Irwin Polishook, PSC president; Howard Jones, vice president; Pearl Gesarch, secretary; and Arnold Cantor, executive director.

The PSC leadership has offered to work cooperatively with the Legal Action Steering Committee and with the Center for Constitutional Rights and stated that they will be as helpful as possible.

Report on the in-service student Population

In-service students, uniformed criminal justice practitioners who are not in supervisory positions, are eligible for a tuition waiver for three credits each semester at John Jay. The data about uniformed services tuition waivers show that in the fall 1991 semester, 839 people participated in the tuition waiver program at the College. This is a decrease of 128 students from fall 1990 (-13%). The decrease over the past two years has been 28%. Because of a

Report on the in service student population (cont)

budget decrease and an increase in tuition costs, only degree students were eligible for tuition waiver and so this semester's figure only reflects degree students.

Fall 1991	839
Fall 1990	967
Fall 1989	1163
Fall 1988	1083
Fall 1987	863

The report from the Office of the Dean for Admissions and Registration on this topic states: "From the inception of the program in Fall, 1980 to Fall, 1988 we had experienced a positive growth trend each semester with the exception of a slight decline during a semester that conflicted with a NYPD promotional exam. Feedback from our in-service students indicates that they are dissatisfied with the interruptions of the education process by student takeovers. Moreover, other colleges have aggressively recruited this student population. The college community must explore greater out-reach activities to this segment of our student community."

Other data show that more than half (56%) of the matriculated waiver students are upper division students, in contrast to the undergraduate average (33%). Almost three-quarters (70%) of in-service students enter with not only academic credits (up to 32 credits) but also previous college credits.

Continuing tuition waiver students declined this year (695 to 522). On the other hand, readmit waiver students increased (118 to 162) and new waiver students also increased although very slightly (148 to 155). Last year 224 tuition waiver students graduated.

All in-service students are considered transfer students because of their academy credit. According to a report issued by the Office of the Dean for Admission and Registration about undergraduate admissions, new in-service transfer registrants decreased 58% and this is the lowest number since Fall 1982.

	FA 91 ALLOC	FA 91 REG	FA 91 % REG	FA 90 REG	FA 89 REG	FA 88 REG	FA 87 REG
	-----	-----	-----	-----	-----	-----	-----
In-Service	213	145	68.1%	173	345	387	244
Direct Admits							

The NYPD accounts for 65% of the tuition waiver students. Only the City Housing Police Department showed a notable increase this fall.

	Fall 1991	Fall 1990	Fall 1989	Fall 1988	Fall 1987
	-----	-----	-----	-----	-----
NYCPD	547	688	766	706	457
NYCFD	22	32	38	52	58
NYCHPD	53	13	60	57	53
NYCTPD	56	53	102	93	83
NYC DOC	102	104	117	98	121
NYS DOC	22	35	25	24	34
NYS COURT	11	13	20	23	28
OTHER	26	29	35	30	29
	-----	-----	-----	-----	-----
TOTAL	839	967	1163	1083	863



Division of Student Development

ATTACHMENT AA

John Jay College of Criminal Justice

The City University of New York

445 West 59th Street

New York, New York 10019

(212) 237-8000

Vice President and
Dean of Students
237-8100

December 2, 1991

Department of:
Counseling and
237-8111
Communication Skills
237-8126

Professor Karen Kaplowitz
President, The Faculty Senate
John Jay College of Criminal Justice

Children's Center
237-8310

Dear Karen,

I would like to thank you for having taken the time and interest to bring to my attention the way my comments were reacted to by the faculty who were present at the Better Teaching Seminar on Disruptive Student Behavior held on November 26.

Office of Career
Development
237-8754

First, I would like to take this opportunity to commend you and the Faculty Senate for sponsoring a Better Teaching Seminar on the critical issue of disruptive student behavior, one which is significant for not only the faculty but also for the members of my department and, of course, for me personally.

Student Activities
and Campus Life
237-8698

As I mentioned to you when we met on November 27, I've been immersed in non-stop meetings that often make it impossible for me to attend College functions in their entirety as was the case with the Faculty Senate's Better Teaching Seminar. Because I thought it was so important for me to be present, I did attend even though I missed the first hour of the session. After my discussion with you, I realized that my comments were made out of context and that I was at a disadvantage in that I spoke without knowing what had been previously discussed and I misunderstood those comments that I did hear.

Student Financial
Services
237-8151

I regret the consequent misunderstanding of my comments. In fact, I agree completely that classes must never be disrupted, that nothing is more important than a classroom environment where all the students can learn and instructors can teach to the best of their abilities. When I am informed by a faculty member about disruptive situations and my assistance is requested, it has been my practice to attend the class with the instructor's permission, to inform the students that I have the authority to suspend a student on the

spot and that I am prepared to exercise that authority. This authority, by the way, is given to all CUNY administrators who hold the rank of full dean and above. I reiterate that position to you and hope you will share it with the Faculty Senate and with those who routinely receive communications from you in your capacity as President of the Faculty Senate.

From what I saw and from all I have heard, the Better Teaching Seminars are a wonderful opportunity for faculty to come together to share their concerns and expertise on very timely and critical issues affecting our College community. The Better Teaching Seminars are concrete evidence of the Faculty Senate's and the faculty's commitment to providing our students with the best education possible. I commend you and the Faculty Senate for your efforts, pledge my support to you, and ask you to call upon me whenever I or my office or my department can be of assistance. Since I am always looking for ways to reach out to better process student-related issues, I would also appreciate hearing about concerns and suggestions that emerge from future Better Teaching Seminars and from Faculty Senate meetings.

Thanks again for your interest and your valuable insights. I look forward to continued discussions.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Witherspoon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Roger Witherspoon
Vice President for Student Development

CUNY LEGAL ACTION COMMITTEE NEWSLETTER

Volume 1, Number 1

October 28, 1991

STEERING COMMITTEE

Nancy Erber
Coordinator of English as a Second
Language Program
LaGuardia Community College

Francis Ceteles
Professor, Dept. of Special Programs
City College

Victor M. Goode
Associate Dean for Academic Affairs
CUNY Law School at Queens College

Ramona Hernandez
Instructor, Dept. of Social Science
LaGuardia Community College

Karen Kaplowitz
Associate Professor of English
John Jay College of Criminal Justice

Don Quinn Kelley
Professor, Division of Social Sciences
Medgar Evers College

Bart Meyers
Professor of Psychology
Brooklyn College

John Mineka
Associate Professor of Mathematics
and Computer Sciences
Lehman College

Leith Mullings
Professor of Anthropology
Graduate Center

Camille Rodriguez
Higher Education Research Director
Center for Puerto Rican Studies
Hunter College

Janet Stoele
Assistant Professor of Music
City College

Sheldon Weinbaum
CUNY Distinguished Professor
of Engineering
City College

FACULTY ADVISORS

Andreas Acrivos
NYS Albert Einstein Professor
of Science and Engineering
City College

M u Bond
Dean of Architecture
City College

Frank Bonilla
Thomas Hunter Professor
of Sociology
Hunter College

Haywood Burns
Dean, CUNY Law School
at Queens College

Sandi Cooper
Vice Chair
University Faculty Senate
College of Staten Island

Frances For Piven
Distinguished Professor
of Political Science
Graduate Center

Allen Ginsberg
Distinguished Professor
of English
Brooklyn College

Eric Wolf
Distinguished Professor
of Anthropology
Lehman College

CAMPAIGN TO END INEQUITABLE FUNDING FOR CUNY

Subsequent to the student occupations of buildings last spring, a broad group of faculty, staff and students have organized research and legal action to promote equitable funding of CUNY. An "equal protection" law suit against the State Legislature and Governor is being prepared on behalf of CUNY students, faculty and staff by the Center for Constitutional Rights involving:

(1) consistent underfunding of the senior colleges of CUNY relative to the senior colleges of SUNY. Comparing the systems as wholes, CUNY's colleges are underfunded by 12% on a per student basis. Comparing SUNY's university centers with Brooklyn, City, Hunter, Queens, and the Graduate Center, CUNY is underfunded by 24.3%. Comparing SUNY's other campuses with Baruch, John Jay, Lehman, New York City Tech, Staten Island, and York, CUNY is underfunded by 5.5%.

(2) the unequal treatment of Associate Degree programs at New York City Technical College and John Jay College of Criminal Justice.

The Medgar Evers College status is also being carefully analyzed as a possible third issue in this suit. The redesignation of Medgar Evers as a senior college has been proposed as one of the two highest priority items in Chancellor Reynold's 1992-1993 budget report to the State legislature. This report is to be voted on by the CUNY Board of Trustees at their October 29th meeting.

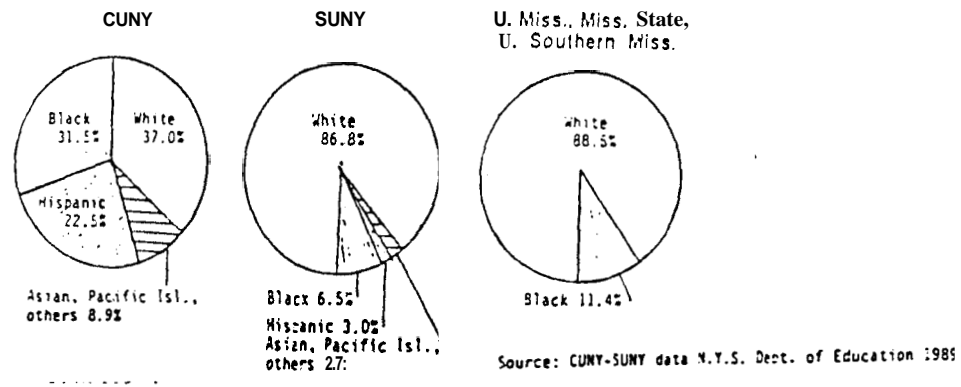
The research concerning the community colleges has revealed the channeling of African-American and Latino students into these colleges rather than the senior colleges, the underfunding of students requiring remediation, the misuse of the Skills Assessment Tests and the mal-distribution of full and part-time faculty.

THE SENIOR COLLEGES

The law suit undertaken by the Center for Constitutional Rights (CCR) is patterned after the pending U.S. Supreme Court case involving Jackson State University, which has been classified as a commuter, "urban university," and three historically residential white campuses in Mississippi, which have been designated "comprehensive universities." African Americans constitute 93.2% of Jackson State's enrollment, but only 11.3% at the three historically white campuses.

Ethnicity: The latest report of the New York State Education Department on the racial and ethnic makeup of the student population at the various colleges in the state shows that in fall 1988, the State University of New York (SUNY) had combined African American (6.5%) and Latino (3.0%) enrollment that was slightly less than the average African American population at the three historically white campuses in Mississippi. The City

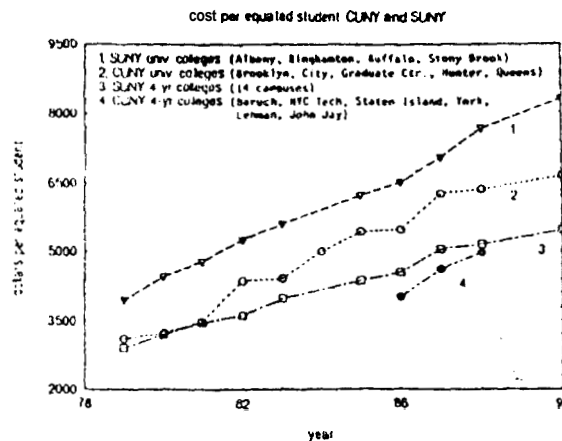
University of New York (CUNY), on the other hand, is **54%** African American and Latino and **63%** non-white when all people of color are considered, while SUNY overall is **13%** non-white. New York State's population is just over 30 percent minority.



Two legally contestable issues have been identified in the “**separate** but unequal protection” claim. They involve the inequity in funding and status of seven of the **CUNY** campuses compared to **SUNY** and the large difference in the racial composition of the two systems as noted above.

Funding: Currently **there** are 11 four-year public colleges in New York State with Associate degree programs, eight in **SUNY** and three in **CUNY**. At the eight predominantly 4-year **SUNY** colleges, all with predominantly white enrollments, these 2-year programs are entirely funded by State. Since **1990**, the State has reneged on its fiscal responsibility to support the 2-year programs at New York City Tech and John Jay.

Brooklyn, City, Hunter, and Queens Colleges are designated **as** four-year colleges despite the fact that their faculty collectively accounts for nearly 60% of the Ph.D.-generated teaching credits in **CUNY** (Graduate Center, **23%** and all other campuses, 17%). These four campuses plus the Graduate Center have nearly identical percentages of graduate students as the four University Centers in the **SUNY** system. The current difference in funding/FTE student between **CUNY** and **SUNY** for these primary graduate campuses is estimated at **\$1622** or **\$81.8 million** for the 50,431 FTE students at these campuses. There is also a difference in funding between Baruch College and the business schools (Albany and Buffalo) of the **SUNY** system. To date, adequate data to document this has not been obtained.



The 24.3% difference in funding per student between these **CUNY** colleges and the **SUNY** University Centers is nearly twice the 12.9% difference in funding between Jackson State and the three historically white Mississippi campuses with the “comprehensive” designation.

Chronology of Important Dates in CUNY-SUNY Law Suit

April 25, 1991 CUNY-wide faculty and student delegation organized by CUNY Concerned Faculty and Staff goes to Albany and first brings to the attention of State officials the large disparities in funding of the CUNY and SUNY systems.

May 9, 1991 First meeting with the Center for Constitutional Rights organized with the assistance of Haywood Burns, Dean of CUNY Law School. President of CCR, Morton Stavis, comes to City College and expresses interest in the case.

May 19, 1991 Report brought to the University Faculty Senate, and the intention to bring a law suit is announced.

May 30, 1991 Report delivered to the Chancellor and the Board of Trustees at its Open Meeting at Queensborough City Hall. Chancellor offers the assistance of Vice Chancellor Rothbard's office in the analysis of the data.

June 25, 1991 University-wide gathering of approximately 50 prominent faculty, including numerous Distinguished Professors and faculty senate leaders from the various campuses. The assembled strongly endorse action to advance the suit.

July 3, 1991 Provosts of all CUNY senior colleges meet at City College. The decision to proceed with the suit and its implications are presented to these administrators.

August 5, 1991 Faculty steering committee attends United CUNY Federation meeting at the Graduate Center. First in a series of joint meeting with the students of the United CUNY Federation.

September 11, 1991 First joint steering committee meeting between CUNY Legal Action Committee and delegates from the United CUNY Federation.

THE COMMUNITY COLLEGES

The State has not undertaken the same financial responsibility for the community colleges as the senior colleges. It currently reimburses these colleges at the maximum per FTE student authorized by State law and at the same level in CUNY and SUNY. It is thus difficult to make a legal case for "unequal protection." However, our report on the community colleges has revealed several significant inequities. These involve access and retention, funding of students involved in remediation, and related policies which appear to have led to a growing racial segregation of the community and senior college systems.

Based on the latest available data (1989-1990), the percent FTE remediation (percentage of total contact hours) for the CUNY community colleges was 33.0%, whereas for the SUNY community colleges it was only 4.8%

In primary and secondary education, funding is based on need, and thus an argument could be made not for equal but for unequal funding based on the more difficult mission of the CUNY community colleges and the smaller class sizes that are required for students requiring remediation. Instead, CUNY campuses with the largest remedial and ESL teaching load (Eugenio Maria de Hostos Community College-83.4% Latino, 12.1% African American) and (LaGuardia Community- 42.0%

Latino, 33.1% African American) receive the least funding per FTE/student.

Medgar Evers, which was designated a four-year college when it was founded, was reclassified as a two-year college with some four year programs after the NYC fiscal crisis in 1976. This campus is still classified as a two-year college despite the fact that three-fourths of its graduates receive Bachelor rather than two-year Associate degrees. There is no college within the SUNY system which offers four-year degrees and is classified as a two-year college. More than **91%** of the students at Medgar Evers are African American and 3.7% are Latino. The Alexander and Associates report, commissioned by the State in 1988, recommended senior college status for Medgar Evers without delay:

ACCESS AND RETENTION

Our report on the community colleges documents that an alarming trend in the ethnic enrollment pattern and retention rate started to develop in 1982 and has rapidly accelerated since 1986. In 1986, the percentage of whites was roughly equal to the combined percentage of African Americans and Latinos in the community colleges. In 1989, just three years later, the enrollment by race changed to 62.4% African American and Latino and only 30.4% white. In this same period, the number of Associate degrees conferred increased by 30% for whites and decreased by about 20% for African Americans and Latinos. Retention threatens to become an even greater issue if the College Preparatory Initiative, which locks many students into non-credit bearing courses, is implemented in the community colleges.

Our data suggest that central issues in retention are the funding of the community colleges with high remedial teaching loads and the excessive part-time staffing of these colleges. In addition, Latino and African American students are disproportionately discouraged from finishing their degree or transferring to senior colleges by relegating them to non-credit bearing remediation courses.

A 1990 report prepared, by Professor Ricardo Otheguy and commissioned by the Vice Chancellor for Academic Affairs and the Puerto Rican Council on Higher Education, provides a detailed criticism of the freshman placement program presently in use at CUNY, a program that relies on the SKATs (Skills Assessment Tests) as the primary instrument for making decisions about incoming students. It concludes that the CUNY placement program lacks systematic supporting validation research; defines entering students unnecessarily in harsh, pass/fail, terms; relies on single measures against the unanimous advice of authorities in the area of testing; places arbitrary time limits on test takers; ignores the special placement needs faced by the University with regard to speakers of other languages; and produces results that put African American and Latino students at a distinct disadvantage.

We note that from 1986 to 1989 there has been a **5%** increase in white enrollment and a **4%** decrease in African American and Latino enrollment in the senior colleges. When combined with the opposite enrollment trend cited above for the community colleges, a troubling pattern appears of growing segregation of the two- and four-year public college systems.

ROLE OF THE FACULTY ADVISOR

All student organizations **must** have a faculty advisor. The faculty advisor will serve as a resource person for the development of programs and as a liaison with the College. Club officers and members should meet with the faculty advisor throughout the academic **year**.

The faculty advisor must:

- 1. supervise all club events, (e.g. evening events, large lectures, trips).** If your faculty advisor **is** unable to attend the event a substitute advisor can provide supervision. In the event a substitute advisor cannot be present, the activity will be cancelled.
- 2. sign a statement attesting to the accuracy of the minutes of the club's meeting .**
- 3. serve in a consultant capacity.** Ultimate responsibility **for** activities and programs rests solely with the student group.

It is recommended that:

1. the faculty advisor meet with the student group on an ongoing basis in **order** to provide guidance in programming, planning and budgeting, as **needed**.
- 2.** upon accepting the post, the faculty advisor shall meet with the Dean of Student Activities and Campus Life to review the prior activities and budget **of** the student club.
- 3.** the faculty advisor shall be thoroughly familiar with the constitution of the student club.
- 4.** the faculty advisor shall be available for meetings with the Vice President for Student Development, the club president and other faculty advisors.
- 5.** the faculty advisor shall be aware **of** procedures in the *Student Handbook* and the *Student Activities Handbook*.

TABLE 1

JOHN JAY COLLEGE OF CRIMINAL JUSTICE
TREND ANALYSIS OF TAX AND NON-TAX LEVY EXPENDITURES FISCAL YEARS 1986 - 1990
(IN THOUSANDS)

	NON TAX LEVY		TAX LEVY		TOTAL AMT	TOTAL %
	AMOUNT	PERCENT	AMT	%		
1986	3,302	9.4%	31,974	90.6%	35,276	100.0%
1987	4,019	10.2%	35,411	89.8%	39,430	100.0%
1988	4,961	11.7%	37,353	88.3%	42,314	100.0%
1989	5,476	12.0%	40,124	88.0%	45,600	100.0%
1990	8,024	15.4%	44,076	84.6%	52,100	100.0%
	25,702	12.0%	188,338	88.0%	214,720	100.0%

SOURCE: HEGGIS REPORT 1986-1990 (UAO, CUNY PRESS, NY, NEW YORK)

TABLE 2

JOHN JAY COLLEGE OF CRIMINAL JUSTICE
NON-TAX-LEVY EXPENDITURE BY CATEGORY FOR FISCAL YEARS 1986 TO 1990
(in 000's)

NON-TAX-LEVY: CATEGORIES	1985-86		7-88		1988-89		1989-90	
	Amt.	%	Amt.	%	Amt.	%	Amt.	%
INCOME FUND								
REIMBURSABLE	0	0	0	0%	386	7%	1,196	15%
RESEARCH FOUNDATION	936	28%	1,608	40%	3,347	61%	2,900	36%
AUXILIARY	0	0%	0	0%	82	1%	122	2%
GIFTS AND GRANTS	2,366	72%	2,411	60%	1,661	30%	3,806	47%
TOTAL NON-TAX-LEVY:	3,302	100%	4,019	100%	5,476	100%	8,024	100%

SOURCE: REGIS REPORT 1986-1990 (UAO, CUNY PRESS, NY, NEW YORK)

Faculty Senate Committee
December 12, 1991

[Table 3]
- -

RESEARCH AND TRAINING INSTITUTES AND CENTERS

COMPOSITION OF EXPENDITURES**

July 1, 1990 to June 30, 1991

	Total Exp'tures	Per- cent
Direct Cost	1,013,853	66.6%
S t a t e Charges	67,400	4.4%
Program Overhead	249,752	16.4%
College Overhead	191,226	12.6%
SUM TOTAL	1,522,231	100%

** Cash basis (i.e., not including accrued, but unpaid expenditures).

TABLE 4

RESEARCH AND TRAINING INSTITUTES AND CENTERS

COMPOSITION OF EXPENDITURES**

July 1, 1990 to June 30, 1991

	Crim Just Ctr		Special Progs		Fire Sci Inst		Others*	
Direct cost	121,814	40.8%	709,369	78.8%	126,373	42.6%	56,297	73.9%
State Charges	9,660	3.8%	34,876	3.9%	17,908	6.0%	4,956	6.5%
Program Overhead	56,392	22.6%	120,775	13.4%	65,218	22.0%	7,367	9.6%
College Overhead	61,836	24.8%	34,683	3.9%	87,083	29.4%	7,624	10.0%
Total Exp'tures	249,702	100%	899,703	100%	296,582	100%	76,244	100%
Total Revenue	249,702		899,703		296,582		76,244	

** On a cash basis (i.e., not including accrued, **but** unpaid expenditures).

* Physical Education and Saturday Literacy.

ATTACHMENT E

Notes on December 3, 1991, Town Meeting
by Professor Charles Stickney

Topic: Services for Evening Students
Facilitator: Assistant Dean of Students George Best

Opening remarks: President Lynch said that our day/night schedule means that our night courses are taught by our full-time and by our best faculty. On Tuesday and Wednesday evenings all offices are open in the evening. The budget cuts limit our ability to be as open and as available in the nights. Mr. Ngadi said that the Student Council is trying to serve evening students as much as possible. For example, the Student Council has just allocated \$18,000 to the math lab for evening students; the Writing Center hours have been expanded as has the Library's. Also "coffee breaks" on Wednesdays and Thursdays. All will be in place by next semester. He asked students to provide suggestions for ways for spend the student activity fees so all students can benefit.

A student complained that she has been harassed by people in offices from whom she has been seeking help. She has not passed her writing proficiency test needed for graduation.

A transfer student said she has not been treated well as the college; can't get her transcript evaluated; there was no orientation session. Registrar Donald Gray said that he does not know why she has had problems but JJ has the record for the most rapid transfer evaluation in CUNY and there were orientation sessions for all transfer students.

Professor Serena Nanda (Anthropology) **said** that the excellent Peer Counseling course should be offered not only during the day but during the evening; she said she has excellent evening students who would benefit from the Peer Counseling Course. Vice President of Student Development Roger Witherspoon said that Professor Nanda should tell Provost Wilson to provide the funds necessary for an evening section.

A student said Professor Nuruddin should stay; he is very good.

A student said that the satire in the form of flyers is very useful; satire makes people introspective about themselves.

Professor Yusuf Nuruddin (African-American Studies Dept.) asked whether as a substitute instructor must he design and develop a course on the Psychology of Oppression. He said he is a social psychologist. He said he is being exploited by being required to spend time on curricular development.

A student said there is a need to bolster Afrocentrist ideology. Blacks need to come to the aid of other black professors like Professor Nuruddin.

David Ferdinand, a student, criticized Professor Domingo (African-American Studies) as the department chair. Many people in African American Studies Department cannot teach. Professor Nuruddin can teach.

Reginald Holmes, a student, said there should be a forum, a speak-out, on the issue of Professor Nuruddin where he can present his case.

A student asked if it is the duty of a substitute professor to design a course's curriculum. Said that many students want Professor Nuruddin and that professors need to

Notes on the December 3, 1991, Town Meeting (cont.)

listen to the students' desires.

Professor John Cooper (African-American Studies) said that Professor Nuruddin did not do what he had offered to do and refused to teach the course he was supposed to.

A student urged all at the Town Meeting to be courteous and respectful.

Provost Basil Wilson said personnel decisions are difficult, but the academic department must make its own decision.

A student asked for the job description of a substitute professor. Also noted that flyers are part of free speech. Criticized the way the African-American Studies Department is administered.

A student said the flyers are a form of political protest.

A student said professors should care for students. Professor Nuruddin is a good teacher and there are not many good professors at John Jay.

Ronald Quarterimon, a student, said standards should be upheld for all, not necessarily just for Professor Nuruddin. Asked for an answer to the students' questions about the obligations of substitute professors.

Professor Jannette Domingo (African-American Studies) said the real issue is of getting more black faculty at John Jay. Discussion of issues is not political regression. The real issues have to do with lack of honesty, lack of respect, and lack of responsibility. Same issues are not in the hands of the students.

Reginald Holmes, student, said respect does not mean kow-towing. If by following a process (the personnel process) denies you a right, the process may need to be changed.

Provost Basil Wilson said that every professor has the duty to prepare new courses and to develop course curricular, including substitute professors.

A student said that the agreement reached between Provost Wilson and Professor Nuruddin was not honored.

Reginald Holmes said that Provost Wilson does not honor agreements he makes.

Provost Wilson said the academic department has the power to make personnel decisions, not the provost.

Professor Nuruddin asked if this issue could be decided by a third party in binding arbitration.

A student asked what would it take for Professor Nuruddin to be kept at John Jay.

President Lynch said the department has the power to make personnel decisions. If Professor Nuruddin wishes, he could file a grievance about contractual obligations through the Professional Staff Congress.

A student said the process of personnel decisions sometimes gets thrown out. Suggested that a committee examine the Nuruddin affair.

A student said that he is a freshman and has not yet taken a course with Professor Nuruddin but wants the opportunity to do so.

A student said hopefully there is still something that can be done to resolve this.

Professor Zao Maliwa urged more discussion.